IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE SRI JUSTICE BILAL NAZKI

and
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

_

WRIT APPEAL Nos. 240 & 241 of 2006

WA.No.240 of 2006

Between:

1.C.Ramakrishna and 3 others.

.....APPELLANTS

AND

1.Mrs.Babita Agarwal, and 22 others.

.....RESPONDENTS

WA.No.241 of 2006

1.Biharilal Agarwal and 2 others.

.....APPELLANTS

AND

1.The Project Director & Special Collector

(Land Acquisition) Outer Ring Road (ORR),

Huda Complex, Tarnaka, Hyderabad, and another.

.....RESPONDENTS

COMMON JUDGMENT: (Per Hon'ble Sri justice Bilal Nazki)

Heard learned Counsel for the appellants as well as the learned Counsel appearing for the respondents.

The only issue in these Writ Appeals is that the Government dispensed with enquiry under Section 5-A of the Land Acquisition Act (for short 'the Act') by invoking urgency clause under Section 17(4) of the Act. The notice under Section 4(1) of the Act was first time notified on 12-12-2005 and was published on 15-12-2005. A declaration under Section 6 of the Act was also issued on 15-12-2005 and was Gazetted on the same day. By the same notification, the enquiry under Section 5-A was also dispensed with.

We have seen that all notifications were issued on 15-12-2005. There was no stay from any Court for not taking the possession of the land, but possession had not been taken.

After hearing the learned Counsel for the parties, we feel that the interest of justice would be met, if some time is granted to the appellants to file their objections and the respondent-authorities are directed to conduct an enquiry in terms of Section 5-A of the Act, as obviously, the matter can be delayed by another few days in view of the fact that even possession has not been taken for the last three months.

Keeping in view, the submissions made at the bar by both sides, without going into the merits of the case or of the judgment passed by the learned single judge, we pass the following order:

> a. that the notification dispensing with the enquiry under Section 5-A of the Act and also the declaration under Section 6 of the Act are set aside;

and

b. that the appellants are directed to file their objections in terms of Section 5-A of the Act within ten days from today; and

c. that the Land Acquisition Officer is not required to issue any fresh notice as only the present appellants are aggrieved of dispensing with the enquiry; and

d. that if the objections are filed by the appellants before the Land Acquisition Officer within the time stipulated, the Land Acquisition Officer may also personally hear all those objectors, who want to be personally heard, and in any case, pass final orders in terms of Section 5-A of the Act within two weeks from today.

The Writ Appeals are, accordingly, disposed of and the Common order of the learned single Judge in W.P.No.27987 of 2005 and batch, dated 10-02-2006, is modified to the extent mentioned above. No costs.

(Bilal Nazki, J)

14th February, 2006

(G.Chandraiah, J)

Note:

Furnish CC in two days

(B/o) LUR